

STAT

Approved For Release 2004/09/23 : CIA-RDP77M00144R000300130031-4

TO MR. CARY

FROM: PLC

SUBJECT:

DATE 6 October 1975

SUSPENSE DATE

Reply to Review Staff on questions raised by House Select Committee members.

NOTE:

These are the questions which Jack Marsh claimed were delinquent.

No. 3 was coordinated with Finance and Audit Staff.

- (1) Resubmitted for approval of paragraph c, page 2, a draft of which is attached.
- (2) The attached has been finalized, with paragraph C being revised.

COORDINATED WITH (list names as well as offices):

Name

Office

Name

Office

Name

Office

ACTION REQUIRED BY GLC: Approval for submission to Review Staff.

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Moreover, the Agency would recommend an amendment to the Freedom of Information Act which would alleviate the adverse effect that this Act is having on the performance of the Agency's primary mission.

The Agency would support the enactment of legislation which would provide for effective congressional oversight. The Agency believes that the consolidation and concentration of oversight responsibilities would result in the most effective oversight and would also protect intelligence sources and methods by reducing the proliferation of sensitive operational information throughout Congress.

C. Will you give me specific recommendations or steps which you believe will result in better relations among Congress, the Administration and the citizens concerning intelligence matters?

revised
The Agency's overriding concern with respect to its relationship with Congress is the protection of sensitive information. It is believed that once Congress has developed coherent and strong measures to protect sensitive intelligence information which has been made available to it, a major source of potential conflict will have been resolved. ~~_____~~

D. If Congress set up a joint Committee on intelligence to properly oversee the entire intelligence community with complete confidentiality as far as classified information was concerned, would you, as Director of Central Intelligence or would the Administration that you are under, have any reservations to the following proposal:

2. That the intelligence community would totally brief the committee on the desired annual goals, programs, projects and missions of the intelligence community that the annual budget is designed to support?

This proposal conforms to our existing practice. I have often stated that the Agency has no secrets from its oversight committees. The Appropriations Committees or its subcommittees receive annual briefings on the goals, programs, projects, and missions of the individual agencies of the intelligence community, as part of the annual appropriations process. CIA also keeps its legislative oversight committees fully informed of the Agency's activities.

3. That the committees would assign the General Accounting Office to selectively audit any specific project, operation or mission that they would deem necessary so long as the compartmentalization principle is observed?

Section 8(b) of the Central Intelligence Agency Act of 1949 gives the Director the authority to expend funds without the disbursements being subject to further review. It has always been my position that a substantial number of CIA's programs could be audited by GAO, and in fact, GAO did audit some of our programs for over ten years. That audit was terminated in 1962 because GAO did not have access to all our accounts, and did not feel they could conduct a meaningful comprehensive audit without additional access. I am certain that arrangements can be made for a resumption of a GAO audit of Agency activities at the request of one of our oversight committees. This would require advance agreement on security procedures and on the distribution and content of the GAO report. However, some transactions and programs cannot be confirmed or evaluated by GAO without disclosing U.S. Government/CIA interest or compromising the activity. My certification alone must be sufficient for these activities.

4. That the committees would be equally informed of day-to-day intelligence activities in the same manner as the President of the United States, so long as the same security regulations are followed and further subject to specifications contained in this hypothesis?

Constitutional

The Agency is strongly committed to the idea of giving maximum dissemination of information consistent with essential security requirements. The Agency believes that an informed Congress is necessary to the effective conduct of foreign policy and believes it has an important part to play in keeping Congress informed. The Agency has provided and will continue to provide the Congress with substantive intelligence information. With respect to reporting on "day-to-day intelligence activities"--that is, daily operational matters--different considerations are involved. The Congress established the CIA within the Executive branch in recognition of the uniquely Executive function it would perform. The President has the responsibility to administer the Agency and to see to the execution of its functions, ~~thereby fulfilling his constitutional~~ responsibilities for appropriations and legislative oversight. To perform these legislative functions, it is not necessary that Congress be reported to on the day-to-day intelligence activities of the Agency in the same manner as the President of the United States, who has administrative constitutional responsibilities. Indeed, such an intensive reporting requirement would suggest that Congress had assumed the extra-legislative function of administering the intelligence activities of the United States.

Congress' oversight of intelligence activities relates to its Constitutional

PLC's revision

4c: It is clearly recognized that the policy makers, legislators, and indeed the electorate must be adequately informed. With assurances of proper protection, the Agency strongly endorses the broad dissemination of intelligence to meet national needs. The Agency has provided essential information to the Congress while protecting sensitive matters which the Congress had mandated that the *Direct* ~~DCI~~ protect. It is believed that once the Congress has developed *effective* ~~coherent~~ and strong measures to protect sensitive intelligence information which has been made available to it, a major source of potential conflict will have been resolved.